IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No.904 of 1999
In
Notice of Motion No.2785 of 1997
In
Suit No.1806 of 1995

Kumar Ailani. .. Appellant

Vs.

Noshir Irani. .. Respondent

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Shri S.P.Kanuga for the appellant.

S/Shri M.P.Vashi with Santosh Shetty i/b M.P.Vashi & Associates for the respondent.

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CORAM : R.M.S.KHANDEPARKAR &
D.G.KARNIK, JJ

DATED : 5TH APRIL, 2007

P.C.

1. In the course of hearing of the arguments, upon taking instructions from the appellant, the learned advocate for the appellant stated that the appellant craves leave to withdraw Notice of Motion No.2785 of 1997 which was taken out by the appellant in Suit No.1806 of 1995 with liberty to raise all issues in the written statement and allow the parties to agitate the said issues to invite proper order on

all the issues at the time of disposal of the suit.

2. The appellant is accordingly allowed to withdraw the Notice of Motion No.2785 of 1997 in Suit No.1806 of 1995 with liberty to raise all issues in the written statement. The Trial Court shall not be influenced in any manner while deciding the said issues by any of the observations made in the impugned order and shall decide the said issues in accordance with the provisions of law.

3. With the above observations, in view of the withdrawal of the Notice of Motion No.2785 of 1997 in Suit No.1806 of 1995, the impugned order automatically stands quashed and set aside and the appeal also stands withdrawn. The appeal accordingly stands disposed of.

(R.M.S.KHANDEPARKAR, J)

(D.G.KARNIK, J)